

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

BRIAN T. BONNER,

Plaintiff,

v.

CIVIL ACTION NO. 5:15-cv-03332

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By *Standing Order* (Document 4) entered on March 19, 2015, this action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B).

On July 27, 2016, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 16) wherein it is recommended that this Court grant the *Plaintiff's Motion for Summary Judgment* (Document 13) to the extent the Plaintiff seeks remand; deny the Defendant's *Brief in Support of Defendant's Decision* (Document 15); reverse the final decision of the Commissioner; remand the case pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the *Proposed Findings and Recommendation*; and

dismiss this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by August 15, 2016, and none were filed by either party.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that districts courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*. The Court **ORDERS** that the *Plaintiff's Motion for Summary Judgment* (Document 13) be **GRANTED** to the extent the Plaintiff seeks remand; the Defendant's *Brief in Support of Defendant's Decision* (Document 15) be **DENIED**; the final decision of the Commissioner be **REVERSED**; the case be **REMANED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the *Proposed Findings and Recommendation*; and this matter be **DISMISSED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: August 16, 2016


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA